

# **EXHIBIT “A”**

HIGHLY CONFIDENTIAL DEPOSITION OF GREG HAMILTON  
CONDUCTED ON THURSDAY, JANUARY 21, 2010

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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL	)
INDUSTRY AVERAGE WHOLESALE	)
PRICE LITIGATION	) MDL No. 1456
_____	)
	) Master File No.
THIS DOCUMENT RELATES TO:	) 1:01-CV-12257-PBS
	)
United States ex rel.	) Sub-Category Case
Linnette Sun and Greg	) No. 1:08-CV-11200
Hamilton, Relators	)
	)
v.	)
	)
Baxter Hemoglobin	)
Therapeutics and Baxter	)
International Inc.	)

HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

Deposition of GREG HAMILTON, taken before  
MARGARET A. BACHNER, CSR, RMR, CRR, and Notary Public,  
pursuant to the Federal Rules of Civil Procedure for  
the United States District Courts pertaining to the  
taking of depositions for the purpose of discovery, at  
Suite 600, 300 North LaSalle Street, Chicago,  
Illinois, on the 21st day of January, A.D. 2010, at  
10:32 a.m.

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1 38 of the Complaint?

2 A. No.

3 Q. Let me refer you to paragraph 39 of the  
4 Complaint, which is Deposition Exhibit 7.

5 Paragraph 39 begins with the following:

6 "According to knowledge obtained by relator Greg  
7 Hamilton, FDB refused to accept Baxter's 'list sales  
8 price,' and instead submitted a letter stating that  
9 their list price was \$1.31 and that they wanted their  
10 AWP to be described as \$1.31."

11 Do you see that?

12 A. Yes, I do.

13 Q. Did you provide that information to --

14 A. Yes, I did.

15 Q. And was that information provided to you by  
16 Kay Morgan?

17 A. Yes, it was.

18 Q. How is it that you had a conversation with  
19 Kay Morgan about Baxter?

20 A. Kay called me and asked if I had any idea  
21 why Baxter would be submitting information that they  
22 knew was in a format that was unacceptable.

23 Q. When did this communication take place?

24 A. I don't remember exactly. I think it  
25 was -- I'd have to go back and look at the dates. I

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1 just don't remember. But it was -- it was, I believe,  
2 within days of her having received the letter from  
3 Baxter.

4 Q. Do you know why Kay Morgan called you?

5 A. I can only speculate.

6 Q. What do you think?

7 A. I mean, I don't know.

8 Q. She didn't tell you why she was calling  
9 you?

10 MR. KLEIMAN: Calls for speculation.

11 Go ahead.

12 BY THE WITNESS:

13 A. I'm just saying I can -- I can only guess.

14 BY MR. JACKSON:

15 Q. What's your guess?

16 A. My guess is that Kay believed I was a  
17 knowledgeable person particularly about the plasma  
18 industry and about the factor industry. Kay and I had  
19 had several conversations about AWP's, about the  
20 industry. I was introduced to her by her superiors.

21 There was some issue -- Express Scripts is  
22 a large customer of First DataBank. And I was at a  
23 meeting with the Chief Operating Officer, Chief  
24 Financial Officer, some folks like that from First  
25 DataBank at Express Scripts, and I brought up some

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1 issue, I don't know what it was, but I know that three  
2 or four of us scurried off into a separate conference  
3 room because they were concerned about it, and they  
4 picked up the phone and called Kay Morgan.

5 And we got on a conference call, and we  
6 discussed whatever that particular issue was, and they  
7 asked her to work with me to resolve it.

8 From that time forward every so often we  
9 would talk. I'd call her or she'd call me just about,  
10 you know, things that were going on in the industry  
11 and whatever else.

12 So, I think that when she received a letter  
13 as she described from Baxter, that as she described  
14 it, it said, "We'd like our AWP to be \$1.31 and our  
15 list price is \$1.31," she was, like, "They know that I  
16 can't accept AWP's anymore. They know that. I deal  
17 with Baxter all the time."

18 Q. She said that?

19 A. Yes. And she said, "I know that they know  
20 that, and they know I need a WAC, not this list price  
21 thing. I need a WAC. So, why are they doing this?"

22 And she was calling me up, trying to get --  
23 you know, trying to get an opinion as to why she was  
24 receiving this type of communication from Baxter.

25 Q. So, is all of the factual information

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1 specified in or included in paragraph 39 information  
2 that you gained from Kay Morgan?

3 A. Yes.

4 (Deposition Exhibit Number 8 was  
5 marked for identification.)

6 (Document tendered to the  
7 witness.)

8 BY MR. JACKSON:

9 Q. I show you what's been marked as Deposition  
10 Exhibit 8. Deposition Exhibit 8 is a document  
11 produced to Baxter by you.

12 Have you ever seen this document before?

13 A. Yes.

14 Q. What is this document?

15 A. It's financial information about and  
16 provided by a company called Hemophilia Resources of  
17 America.

18 Q. How did you come to acquire this document?

19 A. While I was working at Express Scripts I  
20 worked on a project that involved Hemophilia Resources  
21 of America.

22 Q. Who is or what is Hemophilia Resources of  
23 America, Inc.?

24 A. Hemophilia Resources of America, Inc. is  
25 a -- no longer exists as such. It's been purchased by